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7 Attorneys for Defendant Management Trustees as set forth on
the signature page [Local Rule 3-4]

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 DAVID SLACK, individually, and on behalf of
all others similarly situated; JOHN JARBOE,
12 individually, and on behalf of all others similarly
situated; KEN BETTIS, individually, and on
13 behalf of all others similarly situated; KENNY
MENDOZA, individually, and on behalf of all
14 others similarly situated, CLYDE ELI,
individually, and on behalf of all others similarly
15 situated,

16 Plaintiffs,

17 vs.

18 INTERNATIONAL UNION OF OPERATING
ENGINEERS, a trade union, et al.
19

20 Defendants.
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Case No. 3:13-CV-05001-EMC

**STIPULATION REQUESTING
CONTINUANCE OF AUGUST 14, 2014
CASE MANAGEMENT CONFERENCE
AND ASSOCIATED DEADLINES**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 This Stipulation is submitted pursuant to Local Rule 6-2 and is entered into by and between all
3 Plaintiffs and Defendants represented by the undersigned counsel (collectively, “Stipulating
4 Defendants,” and collectively, with Plaintiffs, the “Parties”) for the purpose of efficiently managing
5 this litigation involving numerous parties and complex issues.

6 1. The original Complaint in this matter was filed on October 27, 2013.

7 2. On November 1, 2013, the Court issued its Case Management Conference Order in
8 Reassigned Cases (Dkt. No. 10) scheduling the initial Case Management Conference (“CMC”) on
9 January 30, 2014 at 9:00 a.m. and directing that the Parties file a Joint CMC Statement one week in
10 advance.

11 3. Pursuant to the parties’ stipulation and the Court’s subsequent order thereon, filed
12 January 6, 2014 (the “January 6, 2014 Stipulation and Order”) (Dkt. No. 27), Plaintiffs filed a First
13 Amended Complaint (“FAC”) on January 27, 2014 (Dkt. No. 29). The January 6, 2014 Stipulation
14 and Order included a briefing schedule for any Rule 12 motions and set the hearing for any such
15 motions, as well as the date for a continued CMC, on April 10, 2014.

16 4. On March 10, 2014, pursuant to stipulation, the Court entered an Order Regarding Case
17 Management Conference (the “March 10, 2014 Order”) (Dkt. No. 54). In accordance with the
18 deadlines set forth in the March 10, 2014 Order, Stipulating Defendants filed their respective Rule 12
19 motions directed to the FAC (“Rule 12 Motions”) (Dkt. Nos. 99; 106; 107; 109/110; and
20 114/115/136), Plaintiffs filed their respective oppositions on May 22, 2014 (Dkt Nos. 145; 146; 147;
21 149; and 150), and Defendants filed their Replies on June 5, 2014 (Dkt Nos. 155-159).

22 5. On May 29, 2014, pursuant to stipulation, the Court ordered a continuance of the Case
23 Management Conference from June 19, 2014, to July 24, 2014 and the Case Management Statement
24 of the Parties was ordered due by July 17, 2014 (Dkt No. 154).

25 6. The hearing on the Rule 12 Motions was held on July 10, 2014 before the Court, after
26 which the Court took the Rule 12 Motions under submission (Dkt. No. 171). Pursuant to the Clerk’s
27 Notice dated July 11, 2014, the Case Management Conference scheduled for July 24, 2014, was
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1 continued to August 14, 2014, and the Case Management Statement of the Parties was ordered due by
2 August 7, 2014.

3 7. Pursuant to the July 11, 2014 Clerk's Notice, the Parties are required to confer
4 regarding the matters set forth in the Order Setting Initial Case Management Conference and ADR
5 Deadlines (Dkt. No. 4) by July 24, 2014, and to file ADR-related documents. The Parties wish to be
6 able to confer as efficiently and reasonably as possible regarding Rule 26(f) and ADR-related matters,
7 and respectfully believe it is premature to do so given the uncertain status of the pleadings until after
8 the Court's rulings on the Rule 12 Motions, which will likely affect the Parties' Rule 26(f) and ADR-
9 related discussions and analysis.

10 8. Accordingly, the Parties now respectfully ask the Court to continue the CMC presently
11 set for August 14, 2014, along with all attendant CMC-related deadlines, until forty-five (45) days
12 after the Court's ruling on the motions to dismiss.

13 9. This Stipulation is not offered for any dilatory or improper purpose, but rather solely to
14 effectively manage the scheduling of case events and to ensure the most efficient use of resources by
15 the Court, the Parties, and their counsel.

16 WHEREFORE, subject to the Court's approval, Plaintiffs and the Stipulating Defendants,
17 desiring to efficiently manage this complex matter, hereby stipulate to a continuance of the CMC and
18 related deadlines until a date at least forty-five (45) days after the Court's issuance of its rulings on the
19 Rule 12 Motions currently under submission which is convenient for the Court's calendar.

20 DATED: July 16, 2014

COX, CASTLE & NICHOLSON LLP

21
22 By: /s/ Dwayne P. McKenzie

Dwayne P. McKenzie

23 Attorneys for Defendants Kevin J. Albanese, Randall
24 Ching, Jeffrey Clyde, F.G. Crosthwaite, Leonard
25 Dempsey, Robert Doud, Chad Goodfellow, Thomas
26 Holsman, John M. Humber, Lance Inouye, Gary
27 Iwamoto, Walt Johnson, Ken Kawamoto, Kenneth
28 Kobatake, Leonard Leong, James E. Murray, Rodney
Nohara, Ronald Oshiro, Richard Piombo, Andy
Ragasa, Peter Robb, Kathleen Thurston, Lance
Wilhelm, and Corey Yamashita

1 Dated: July 16, 2014

MOORE & LEVIANT LLP

2
3 By: /s/ J. Mark Moore

J. Mark Moore
H. Scott Leviant

BERNS WEISS LLP

5 Jeffrey K. Berns
6 Lee A. Weiss
7 Albert G. Lum

8 Attorneys for Plaintiffs David Slack,
9 John Jarboe, Ken Bettis, Kenny Mendoza
10 and Clyde Eli

11 Dated: July 16, 2014

LAW OFFICE OF KENNETH C. ABSALOM

12 By: /s/ Kenneth C. Absalom

Kenneth C. Absalom
13 Attorneys for Defendants Russell E Burns,
14 Dan Reding, Jim Sullivan, Carl Goff, Justin Diston,
15 Steven Harris, Pane Meatoga, Nate Tucker

16 Dated: July 16, 2014

ALTSHULER BERZON LLP

17
18 By: /s/ Stacey Leyton

Stacey Leyton
19 Attorneys for Defendants IUOE, James T. Callahan,
20 Vincent Giblin

21 Dated: July 16, 2014

LITCHFIELD CAVO LLP

22
23 By: /s/ Mark K. Worthge

Mark K. Worthge, Esq.
24 Talar Tavlian, Esq.
25 Attorneys for Defendant OE Federal Credit Union
26
27
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ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

DATED: July 16, 2014

COX, CASTLE & NICHOLSON LLP

By: /s/ Dwayne P. McKenzie

Dwayne P. McKenzie

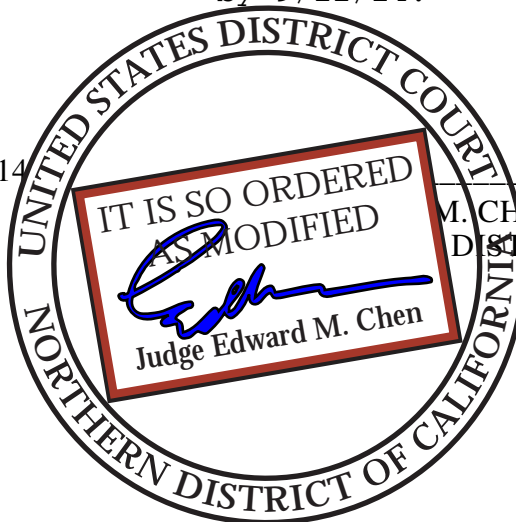
Attorneys for Defendants Kevin J. Albanese, Randall Ching, Jeffrey Clyde, F.G. Crosthwaite, Leonard Dempsey, Robert Doud, Chad Goodfellow, Thomas Holsman, John M. Humber, Lance Inouye, Gary Iwamoto, Walt Johnson, Ken Kawamoto, Kenneth Kobatake, Alvin Kobayashi, Leonard Leong, James E. Murray, Rodney Nohara, Ronald Oshiro, Richard Piombo, Andy Ragasa, Peter Robb, Kathleen Thurston, Lance Wilhelm, and Corey Yamashita

ORDER

Pursuant to the Stipulation of counsel and for good cause shown, IT IS HEREBY ORDERED that the case management conference is continued to 9/18/14 at 10:30 a.m.. An updated joint CMC Statement shall be filed by 9/11/14.

IT IS SO ORDERED.

Dated: 7/25, 2014



M. CHEN
DISTRICT JUDGE

PROOF OF SERVICE AND CERTIFICATION

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2049 Century Park East, 28th Floor, Los Angeles, California 90067-3284.

☐ (FOR MESSENGER) My business address is Nationwide Legal, 1609 James M. Wood Blvd. 2nd Fl., Los Angeles CA 90015-1005.

On July 16, 2014, I served the foregoing document(s) described as STIPULATION REQUESTING CONTINUANCE OF AUGUST 14, 2014 CASE MANAGEMENT CONFERENCE AND ASSOCIATED DEADLINES on ALL INTERESTED PARTIES in this action by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

Greg Scher
95-009 Waikalani Drive #105
Mililani, HI 96789

On the above date:

☒ (BY ☒ U.S. MAIL/BY ☐ EXPRESS MAIL) The sealed envelope with postage thereon fully prepaid was placed for collection and mailing following ordinary business practices. I am aware that on motion of the party served, service is presumed invalid if the postage cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing set forth in this declaration. I am readily familiar with Cox, Castle & Nicholson LLP's practice for collection and processing of documents for mailing with the United States Postal Service and that the documents are deposited with the United States Postal Service the same day as the day of collection in the ordinary course of business.

☐ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized carrier or driver authorized by the express carrier to receive documents.

☐ (BY E-MAIL OR ELECTRONIC TRANSMISSION) - On _____, at _____ a.m./p.m. at Los Angeles, California, I served the above-referenced document by electronic mail to the e-mail address of the addressee(s) pursuant to Rule 2.260 of the California Rules of Court. The transmission was complete and without error and I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

☒ (FEDERAL ONLY) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I hereby certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 16, 2014, at Los Angeles, California.

/s/ Ann Gillespie

Ann Gillespie